

THURSDAY, FEBRUARY 23, 1989

TWELFTH LEGISLATIVE DAY

The House met at 9:00 a.m. and was called to order by Mr. Speaker Murray.

The proceedings were opened with prayer by Sellers S. Crain, Jr., Old Hickory Church of Christ, Old Hickory, Tennessee.

Representative Ben West, Jr., led the House in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present . . . . . 94

Representatives present were: Anderson, Armstrong, Bell, Bittle, Bivens, Bragg, Buck, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Ellis, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Hawkins, Head, Henry (Roane), Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, McAfee, McDaniel, Miller, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 94.

CONSENT CALENDAR

House Resolution No. 0008 -- Memorials, Recognition and Thanks -- Recognizes symposium "Space Commercialization: Roles of Developing Counties" to be held in Nashville, March 5-9 and hosted by UTSI.

House Joint Resolution No. 0106 -- Memorials, Professional Achievement -- Honors Dr. Benjamin F. Byrd, Jr.

House Joint Resolution No. 0110 -- Memorials, Retirement -- Honors H. B. Garrison, Jr. on his retirement from the University of Tennessee Extension Services.

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**House Joint Resolution No. 0112** -- Memorials, Professional Achievement -- Honors Commander Michael McCulley, second-in-command on space shuttle Atlantis.

**House Joint Resolution No. 0114** -- Memorials, Sports -- Honors Hendersonville High School cheerleaders on their tenth place finish in National Cheerleaders Associations' National Championship.

**House Joint Resolution No. 0117** -- Memorials, Professional Achievement -- Congratulates Raymond Andrew Holt on being named Outstanding Vocational Education Administrator.

**House Bill No. 1155** -- Claiborne County -- Revises procedure for issuing building permits. Amends Chapter 74, Private Acts of 1967.

**House Bill No. 1208** -- Gatlinburg -- Authorizes impact fees.

**Senate Joint Resolution No. 0081** -- Memorials, Professional Achievement -- Honors Dr. Gross of University of Tennessee at Chattanooga on his selection as 1988 Professor of the Year.

**Senate Joint Resolution No. 0082** -- General Assembly, Proclamations -- Proclaims March 19, 1989, as "Someday Sunday" for the Indian Springs Christian Church community.

**Senate Joint Resolution No. 0084** -- Memorials, Public Service -- Honors Floyd Dempsey Ferrell on employment with department of transportation.

**Senate Joint Resolution No. 0086** -- Memorials, Congratulations -- Congratulates North American Rayon on 60th Anniversary.

**Senate Joint Resolution No. 0087** -- Memorials, Condolence -- Expresses sorrow at death of Max H. Freeman.

**Senate Joint Resolution No. 0088** -- Memorials, Professional Achievement -- Honors John E. Strong, Jr. for contributions to education.

**Senate Joint Resolution No. 0090** -- Memorials, Sports -- Honors Coach Steve Henry and Soddy-Daisy wrestling team on winning 1989 state dual meet championship.

**Senate Joint Resolution No. 0092** -- Memorials, Recognition and Thanks -- Honors former Representative Joe Bewley on service to Council on Pensions and Retirement.

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**Senate Joint Resolution No. 0094 -- Memorials, Public Service**  
-- Honors Richard S. and Betty L. Nuber on service to community and nation.

**Senate Joint Resolution No. 0097 -- Memorials, Sports -- Honors**  
Coach Ken Sparks and Carson-Newman football team on fourth NAIA championship in six years.

Rep. Phillips moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, and that all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes. . . . .	92
Noes. . . . .	0
Present and not voting. . . . .	1

Representatives voting **aye** were: Anderson, Armstrong, Bell, Bittle, Bivens, Bragg, Buck, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Ellis, Gaia, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Hawkins, Head, Henry (Putnam), Henry (Roane), Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, U. (Shelby), Kent, Kernell, King, Kisber, McAfee, McDaniel, Miller, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 92.

Representatives present and not voting were: Copeland -- 1.

A motion to reconsider was tabled.

**REGULAR CALENDAR**

**House Joint Resolutions Nos. 18 and 22; House Resolutions Nos. 1, 5 and 4.**

The Speaker announced that, due to the absence of Rep. Love, the Regular Calendar for today will be reset to the head of the Regular Calendar for Monday, February 27, 1989.

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UNFINISHED BUSINESS

MESSAGE FROM SENATE

February 23, 1989

MR. SPEAKER: I am directed to request the return of House Bill No. 16, for further consideration.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

HOUSE BILL RETURNED

There being no objection, Rep. Huskey asked that the Clerk be directed to return House Bill No. 16 to the Senate as requested.

BILLS WITHDRAWN

On motion of Rep. Cross, House Joint Resolution No. 103 was recalled from the Labor and Consumer Affairs Committee.

On motion of Rep. Cross, House Joint Resolution No. 103 was withdrawn from the House.

On motion of Rep. Wood, House Bill No. 573 was recalled from the Transportation Committee.

On motion of Rep. Wood, House Bill No. 573 was withdrawn from the House.

SPONSORS ADDED

Without objection, the rules were suspended to allow the following members to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Bill No. 53: Rep(s). Stallings added as prime sponsor(s).

House Bill No. 471: Rep(s). Curlee added as prime sponsor(s).

House Bill No. 1111: Rep(s). Rhinehart added as prime sponsor(s).

House Bill No. 1230: Rep(s). Duer added as prime sponsor(s).

House Bill No. 1284: Rep(s). Byrd, Collier, Crain, R. Davis, Hobbs, McDaniel, Pinion, Ridgeway, Sipes and Stallings added as prime sponsor(s); Rep(s). Cain and Herron added as sponsor(s).

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House Bill No. 1288: Rep(s). Jackson added as prime sponsor(s).

House Bill No. 1305: Rep(s). Halteman added as sponsor(s).

House Joint Resolution No. 106: Rep(s). West added as prime sponsor(s).

**JOURNAL CORRECTIONS**

The following House Bills were incorrectly referenced when they passed second consideration and should be corrected as follows:

House Bill No. 976 (p. 401) should be referred to the Transportation Committee.

House Bill No. 989 (p. 402) should be referred to the General Welfare Committee.

**INTRODUCTION OF RESOLUTIONS**

House Joint Resolution No. 0118 -- Memorials, Retirement -- Honors June Hammontree on retirement as Greenback Postmistress. by \*Gunnels.

The Speaker referred House Joint Resolution No. 118 to the Calendar and Rules Committee.

House Joint Resolution No. 0119 -- Memorials, Heroism -- Honors Officer Frederick Cloud, Jr. on his heroic rescue on January 2, 1987. by \*West.

The Speaker referred House Joint Resolution No. 119 to the Calendar and Rules Committee.

House Joint Resolution No. 0120 -- Memorials, Personal Achievement -- Honors Michael Arthur Robert on attaining Eagle Scout Award. by \*West, \*Chiles.

The Speaker referred House Joint Resolution No. 120 to the Calendar and Rules Committee.

House Joint Resolution No. 0121 -- Memorials, Professional Achievement -- Honors Edmonia Simmons for many contributions as teacher. by \*Robinson C B, \*Starnes, \*Turner B, \*Wood, \*McAfee, \*Copeland.

The Speaker referred House Joint Resolution No. 121 to the Calendar and Rules Committee.

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### INTRODUCTION OF BILLS

**House Bill No. 1433** -- Alcoholic Beverages -- Authorizes retail sales by beer manufacturers in certain circumstances. Amends TCA, Title 57, Chs. 5, 6. by \*King.

Passed first consideration.

**House Bill No. 1434** -- Constitutional Conventions -- Submits question of calling constitutional convention to consider authorization of lotteries. by \*Kernell.

Passed first consideration.

### SENATE BILLS ON FIRST CONSIDERATION

**Senate Bill No. 0039** -- Lewis County -- Resolves conflict between general law and private act on duties of board of education. Repeals Chapter 277, Private Acts of 1957.

Held on the Clerk's desk pending third consideration of companion House Bill No. 553.

**Senate Bill No. 0092** -- Lewis County -- Revises board of education. Amends Chapter 268, Private Acts of 1933, as amended.

Held on the Clerk's desk pending third consideration of companion House Bill No. 555.

**\*Senate Bill No. 1030** -- Oneida -- Increases property tax for Oneida Special School District. Amends Chapter 178, Private Acts of 1975, as amended.

Held on the Clerk's desk pending third consideration of companion House Bill No. 695.

**Senate Bill No. 1247** -- Knox County -- Provides that circuit and general sessions court clerk serve as clerk of juvenile court. Amends Chapter 277, Private Acts of 1913, as amended.

Held on the Clerk's desk pending third consideration of companion House Bill No. 881.

### PRESENT IN CHAMBER

Representative Wheeler was recorded as being present in the Chamber.

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**REQUEST TO CHANGE VOTE**

MR. SPEAKER: Pursuant to Rule No. 31, I wish to express a desire to vote aye on the Consent Calendar and have this statement entered in the Journal.

Tom Wheeler

**MESSAGE FROM THE SENATE  
February 23, 1989**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 785; substituted for Senate Bill(s) on same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**MESSAGE FROM THE SENATE  
February 23, 1989**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 122, 126, 311, 320, 322, 346, 358, 443, 480, 510 and 595; passed by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**\*Senate Bill No. 0122** -- Refuse Disposal -- Permits certain counties to enforce certain dumping provisions. Amends TCA, Title 5, Ch. 1, Pt. 1.

**\*Senate Bill No. 0126** -- Wine, Wineries -- Authorizes wineries to serve free samples for tasting on certain premises; authorizes distribution or sale of wine to nonprofit organizations for certain purposes. Amends TCA 57-3-207.

**\*Senate Bill No. 0311** -- Wine, Wineries -- Authorizes winery to donate wine for charitable purposes. Amends TCA 57-3-207.

**\*Senate Bill No. 0320** -- State Employees -- Allows authorized agent of employee association access to state employees and bulletin boards under certain circumstances. Amends TCA, Title 8, Ch. 23.

**\*Senate Bill No. 0322** -- Civil Service -- Revises grievance procedures for permanent civil service employees. Amends TCA 8-30-328.

**Senate Bill No. 0346** -- Sports -- Authorizes leave of absence for public employees participating in certain international athletic competitions.

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**\*Senate Bill No. 0358 -- Intergovernmental Relations --** Provides that the state development district representative to TACIR be appointed from list of nominees submitted by such association. Amends TCA 4-10-103.

**\*Senate Bill No. 0443 -- Utilities, Utility Districts --** Increases fees for inspection of gas pipeline systems. Amends TCA, Title 65, Ch. 28.

**\*Senate Bill No. 0480 -- Public Officials --** Allows county officials to receive official payments by checks written in such officials' name. Amends TCA 9-1-108.

**\*Senate Bill No. 0510 -- County Government --** Allows Fayette County to make charitable contributions at one meeting of county commission. Amends TCA 5-9-109.

**\*Senate Bill No. 0595 -- Trusts --** Permits liability of state trust and state in contracts between state trust and federal reserve bank. Amends TCA, Title 9, Ch. 4, Pt. 8.

**SIGNED  
February 23, 1989**

The Speaker announced that he had signed the following: Senate Joint Resolution(s) No(s). 70, 72 and 73.

**MESSAGE FROM THE SENATE  
February 23, 1989**

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 90, 91, 93 and 105; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**MESSAGE FROM THE SENATE  
February 23, 1989**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 85; for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.



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**ENGROSSED BILLS**  
**February 23, 1989**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bill(s) No(s). 1155 and 1208; and House Joint Resolution(s) No(s). 106, 110, 112, 114 and 117; and find same correctly engrossed and ready for transmission to the Senate.

BETTY KAY FRANCIS,  
Chief Engrossing Clerk.

**ENROLLED BILLS**  
**February 23, 1989**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Bill(s) No(s). 8, 68, 92, 98, 261, 334, 382, 712, 743, 757 and 780; and House Joint Resolution(s) No(s). 90; and find same correctly enrolled and ready for the signatures of the Speakers.

BETTY KAY FRANCIS,  
Chief Engrossing Clerk.

**ENROLLED BILLS**  
**February 23, 1989**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Bill(s) No(s). 17; House Joint Resolution(s) No(s). 91, 93 and 105; and House Resolution(s) No(s). 8; and find same correctly enrolled and ready for the signature(s) of the Speaker(s).

BETTY KAY FRANCIS,  
Chief Engrossing Clerk.

**REPORT OF COMMITTEE ON CALENDAR AND RULES**  
**February 23, 1989**

MR. SPEAKER: Your Committee on Calendar and Rules begs leave to report that we have met and set the following bills on the Calendar for Wednesday, March 1, 1989: House Bill(s) No(s). 457, 632, 640 and 648.

PHILLIPS, Chairman.

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REPORT OF COMMITTEE ON CALENDAR AND RULES  
CONSENT CALENDAR  
February 23, 1989

MR. SPEAKER: The officers of your Committee on Calendar and Rules beg leave to report that we have met and set the following bill(s) and/or resolution(s) on the Consent Calendar for Monday, February 27, 1989: House Joint Resolution(s) No(s). 118, 119, 120 and 121.

PHILLIPS, Chairman.

ROLL CALL

The roll call was taken with the following results:

Present . . . . . 96

Representatives present were: Anderson, Armstrong, Bell, Bittle, Bivens, Bragg, Buck, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Ellis, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Hawkins, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Miller, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 96.

On motion of Rep. Naifeh, the House adjourned until 5:00 p.m., Monday, February 27, 1989.